

**Downtown Development Districts –
Instructions for Resolutions of Applicant’s Governing Body**

Sample Resolution:

All Resolutions submitted in connection with Applications for District Designation must include all Required Provisions set forth below. In addition, Resolutions may include one or more of the following Additional Provisions, as well as such other information as the jurisdiction chooses to include. **Jurisdictions are free to use and adapt the attached Sample Resolution as part of its application. The Sample Resolution includes all Required Provisions and recommended Additional Provisions.**

Required Provisions:

As set forth on page 23 of the Application for Designation as a Downtown Development District, applicants are required to submit a Resolution passed by the applicant’s governing body. At minimum, Resolutions accompanying an application for District designation shall state that:

- The governing body has reviewed and approves of the jurisdiction’s application—including the District Plan and Local Incentives being proposed as part of that application (*Par. 1 of Sample Resolution*);
- The governing body has authorized the local government to file the Application, and to provide any other information required in connection with the Application (*Par. 2*);
- If selected, the local government will adhere to the District Plan, the Local Incentives, and all other responsibilities associated with District designation for the duration of the District (*Par. 3(a)*); and
- The governing body has authorized the local government to sign any documents or agreements as may be required in connection with District designation (*Par. 3(b)*).

Additional Provisions:

In addition to the Minimum Requirements above, applicants may find it useful to include a provision stating that the applicant is authorized to appoint a “District Administrator” to file the application on behalf of the jurisdiction, to sign any agreements and execute documents in connection with District designation, and to serve as the jurisdiction’s “point person” in carrying out the responsibilities necessary to maintain District designation. **The resolution should not designate a particular individual**—it can simply name a position (*i.e.*, the Town Manager) or his or her designee(s).

In addition, applicants may want to include jurisdiction-specific information in the “whereas” clauses to demonstrate the need or desire for District designation. For example:

“**WHEREAS**, the population of the Town of _____’s central business district has declined by __% from 1990 to 2010;”

Or: “**WHEREAS**, to demonstrate its commitment to the Downtown Development Districts program, the Town Council recently passed an ordinance to streamline permitting in the proposed District...”

Deadline:

All Resolutions must be submitted with the jurisdiction’s Application for District Designation. The deadline for applications is **November 1, 2014**.

SAMPLE RESOLUTION – APPLICATION FOR DESIGNATION
AS DOWNTOWN DEVELOPMENT DISTRICT

WHEREAS, under the Downtown Development Districts Act, 22 *Del.C.* §§ 1901 *et seq.* (the “**Act**”), the State of Delaware may designate districts within Delaware’s cities, towns, and unincorporated areas that will qualify for significant development incentives and other State benefits; and

WHEREAS, these districts are known as Downtown Development Districts (“**Districts**”); and

WHEREAS, the State is accepting applications for the designation of the initial round of Districts, with such applications being due on November 1, 2014; and

WHEREAS, under the Act, each applicant must submit a plan that includes the boundaries of, and a detailed planning and development strategy for, the proposed District (the “**District Plan**”); and

WHEREAS, under the Act, each applicant must also propose incentives that address local economic and community conditions, and that will help achieve the purposes set forth in the Act (the “**Local Incentives**”); and

WHEREAS, if an application is successful and the [*city, town, or unincorporated area*] receives District designation, the District Plan and Local Incentives proposed by an applicant shall be binding upon the applicant; and

WHEREAS, the incentives associated with designation as a Downtown Development District would greatly benefit current and future residents, businesses, non-profit organizations, and others within the [*City/Town of _____*]; and

WHEREAS, the [*City/Town*] Council of the [*City/Town of _____*] strongly believes that it is in the best interest of the [*City/Town of _____*] to apply for District designation.

NOW THEREFORE, BE IT RESOLVED THAT:

1. The [*City/Town*] Council supports the Application for Designation as a Downtown Development District prepared by _____ and dated _____ (the “**Application**”); and

2. The [*City/Town of _____*] is authorized to appoint a District administrator (the “**Administrator**”) to file the Application on behalf of the [*city, town, or unincorporated area*], and to provide such other documents and information as may be necessary or desirable in connection with the Application; and

3. If the Application is successful and the [*City/Town of _____*] receives notice that it has been selected for designation as a District:

a. The [*city, town, or unincorporated area*] shall adhere to the District Plan and the Local Incentives contained in the Application for the duration of the District designation; and

b. The Administrator, or his or her designee(s), is authorized to execute such documents and enter into such agreements as may be necessary or desirable in connection with the Downtown Development Districts program and the rights and obligations of the [*City/Town of _____*] thereunder; and

c. The Administrator, or his or her designee(s), is authorized to carry out all District administrative and reporting requirements on behalf of the [City/Town of _____] for the duration of the District.

RESOLVED this ____ day of _____, 2015.

[Signature(s) and/or Official Seal]